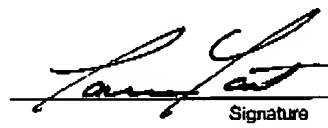


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PTO/SB/33 (07-05)

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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) <b>1405-1003</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed name _____		Application Number <b>08/965,367</b>	Filed <b>11/06/1997</b>
		First Named Inventor <b>Gregory J. Speicher</b>	
		Art Unit <b>3622</b>	Examiner <b>Jeffrey D. Carlson</b>
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.   This request is being filed with a notice of appeal.   The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. <b>38,795</b> Registration number _____ <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		 Signature <b>Lawrence R. Youst</b> Typed or printed name <b>214-363-4266</b> Telephone number <b>November 30, 2005</b> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> Total of <b>1</b> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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NOV 30 2005

Attorney Docket No. 1405-1003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of: Gregory J. Speicher

Serial No.: 08/965,367

Filed: November 6, 1997

Art Unit: 3622

Confirmation No.: 3846

Examiner: Jeffrey D. Carlson

For: Integrated Audiotext-Internet Personal Ad Services

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Request for Pre Appeal Brief Conference**

Dear Sir:

This Request is being filed in connection with a Notice of Appeal.

**Status**

Claims 145-204 are presently pending in this patent application of which claims 145, 150, 155, 160, 165, 170, 175, 180, 185, 190, 195 and 200 are in independent form. The pending claims are directed to various embodiments of systems and methods to establish personal acquaintances for the purpose of dating. In general, the systems and methods involve searching personal advertisements over the Internet according to age, gender or marital status criteria. In certain claimed embodiments, posted personal advertisements may incorporate text, image, audio or video data.

The Examiner has rejected each of the pending claims as being obvious in light of U.S. Patent Number 5,794,207 to Walker ("Walker"), and alternately obvious in light of international Patent Application Publication WO 9605564 in the name of Balabon ("Balabon") in view of U.S. Patent 5,848,396 to Gerace ("Gerace").

**I. The Examiner Concedes that Walker Fails to Teach Most of the Explicitly-recited Limitations of the Pending Claims**

In the Office Action dated August 30, 2005 (the "Office Action"), the Examiner has rejected pending claims 145-204 as being obvious over Walker. Walker discloses an online auction system for effectuating "bilateral buyer-driven commerce." The system of Walker allows prospective buyers of goods and services to communicate a binding purchase offer globally to potential sellers, for sellers conveniently to search for relevant buyer purchase offers, and for sellers potentially to bind a buyer to a contract based on the buyer's purchase offer. The Examiner notes that Walker discloses a searchable database which may be accessed over the Internet. The Examiner concedes, however, that Walker fails to teach any of the following explicit limitations recited in the pending claims:

A system/method to establish an acquaintance for the purpose of dating (See Office Action, p. 3)

Personal advertisements seeking companionship (See Office Action, p. 3)

Age data as a portion of an advertisement (See Office Action, p. 3)

Gender data as a portion of an advertisement (See Office Action, p. 4)

Marital status data as a portion of an advertisement (See Office Action, p. 4)

Submission of image data as a portion of an advertisement (See Office Action, pp. 4-5)

Submission of audio data as a portion of an advertisement (See Office Action, pp. 4-5)

Ad responses including image data (See Office Action, p. 5)

Ad responses including audio data (See Office Action, p. 5)

Automatic notification of a response to an advertisement (See Office Action, p. 6)

Publication of ad summaries in response to a search (See Office Action, p. 6)

Although the Examiner concedes that none of the above elements are disclosed in Walker, the Examiner asserts that it would be obvious to combine any one of the above with the general concept of searchable commercial advertisements posted on the Internet, which is disclosed in Walker. Based on this position, the Examiner extrapolates to the position that it would be obvious to combine all of the above together in order to generate the claimed invention. (See Office Action, pp. 3-6).

Applicant respectfully submits that the Examiner's approach is completely improper and insufficient for a finding of obviousness under 35 U.S.C. 103(a). The Examiner makes the above assertions of obviousness without citing any reference whatsoever in support of his assertions. Contrary to the established procedures of the U.S. Patent and Trademark Office, the Examiner has failed to identify each and every limitation in any of the pending claims and has failed to identify any motivation to modify the Walker reference in the manner suggested by the Examiner. The Examiner has, therefore, failed to establish a *prima facie* case of obviousness of any of claims 145-204 in light of Walker, and his rejections on this ground cannot be sustained.

## **II. The Examiner Concedes that Balabon and Gerace Fail, Even in Combination, to Teach Many of the Explicitly-recited Limitations of the Pending Claims**

The Examiner has further rejected claims 145-204 as being obvious over the combination of Balabon and Gerace. Balabon discloses a personal advertisement system incorporating a group of kiosks having personal advertisements stored thereon. The Examiner concedes that Balabon fails to disclose at least:

Use of the Internet (See Office Action, p. 7)

Submission of video data as a portion of an advertisement (See Office Action, p. 8)

Automatic notification of a response to an advertisement (See Office Action, p. 8)

Publication of ad summaries in response to a search (See Office Action, pp. 8-9)

The Examiner has cited Gerace as providing the limitations missing from Balabon. Gerace discloses targeting of promotional materials based on "psychographic" profiles of end users. The

psychographic profiles are generated by recording and analyzing computer activity and viewing habits of the end users. The Examiner asserts that it would be obvious to combine the distributed personal advertisement system of Balabon with the psychographic profiling system of Gerace in order to generate an Internet-based personal advertisement system. Applicant respectfully submits that it would not be at all obvious to combine a decentralized personal advertisement system with an Internet-based promotion targeting system. Even if one were to combine the two, Gerace fails to teach any of the following:

Submission of image data as a portion of an advertisement

Submission of audio data as a portion of an advertisement

Submission of video data as a portion of an advertisement

Ad responses including image data

Ad responses including audio data

Ad responses including video data

Automatic notification of a response to an advertisement

Publication of ad summaries in response to a search

Accordingly, the Examiner has conceded that Balabon and Gerace fail, even in combination, to teach any of:

Submission of video data as a portion of an advertisement (See Office Action, p. 8)

Automatic notification of a response to an advertisement (See Office Action, p. 8)

Publication of ad summaries in response to a search (See Office Action, pp. 8-9)

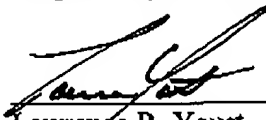
Accordingly, Balabon and Gerace do not, even in combination, establish a *prima facie* case of obviousness of claims 145-204, as they fail to teach each and every limitation recited in the rejected claims and there is no motivation to combine the references in the manner suggested by the Examiner.

**Conclusion**

In view of the forgoing, the Panel is respectfully requested to allow claims 145-204.

Dated this 30th day of November, 2005.

Respectfully submitted:



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